

REMARKS

Claims 2-26 are currently pending in the present application, with Claim 1 being canceled, Claims 2-6 being amended, and Claims 7-26 being added. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner objected the Claim 3 for reasons of informality. Applicant has amended Claim 3 to correct the informality.

The Examiner rejected Claims 1-6 under 35 U.S.C. 103(a) as being unpatentable over admitted prior art (page 1, line 10 to page 3, line 14 of the present application, hereinafter "APA") in view of Tsurumi (U.S. Patent No. 5,890,910). This rejection is moot with respect to canceled Claim 1 and respectfully traversed with respect to amended Claims 2-6.

The present invention is directed to a method and apparatus for downloading music data such as songs or musical pieces to a player, such as a portable MP3 player, wherein the player includes a memory for storing music data. More specifically, the preferred embodiment of the present invention identifies the contents of the player memory to determine what music data is already stored in the player memory. The contents of the player memory is identified by using type data associated with each song or musical piece, the type data typically being one of genre, singer, composer, etc. At the same time, the present invention includes an input device for receiving from a user type data designating certain music data desired by the user (e.g., R&B songs, songs sang by Britney Spears, musical pieces composed by John Williams, etc.). Finally, the present invention includes a tuner or a receiver such as a modem for receiving new music data from a center station, such as broadcast station or network server.

In accordance with the present invention, the type data of the received new music data is compared with the type data of the music data already stored in the player memory, to check whether the player memory already has the received new music data. Additionally, the type data of the new music data is compared with the type data designated by the user. If the player memory does not already have stored the received new music data, and if the type data of the

new music data is one that is designated by the user, then the new music data is downloaded. The process is illustrated in Fig. 3 of the present application.

Neither APA nor Tsurumi contain any disclosure of downloading to a player memory music data having type data, where the downloaded music data is desired by a user and is not already stored in a player memory. More specifically, neither reference speaks to using type data of a music data to determine whether the music data is already stored in the player memory, and whether the music data is one desired by the user.


In view of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. Reconsideration and reexamination of the claim are respectfully requested, and an early allowance is solicited. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032014500.

Respectfully submitted,

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